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COGSWELL COLLEGE, LLC, BRAD PALMER,
and PALM VENTURES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLES RESTIVO,

Plaintiff,

v.

COGSWELL COLLEGE, LLC doing
business as the University of Silicon Valley,
BRAD PALMER, PALM VENTURES,
LLC and DOES 1 to 5,

Defendants.

Case No. 5:23-cv-01548-PCP

**STIPULATION AND ~~[PROPOSED]~~ ORDER
CONTINUING FURTHER SETTLEMENT
CONFERENCE AND ALL RELATED
DEADLINES TO PERMIT CASE
DISCOVERY AND TO ACCOMMODATE
TRANSITION OF NEW COUNSEL OF
RECORD FOR DEFENDANTS
COGSWELL COLLEGE, LLC AND BRAD
PALMER**

Complaint Filed: February 14, 2023
Removal Filed: March 31, 2023
Trial Date: Not Set

1 Plaintiff Charles Restivo (“Plaintiff”) and Defendants Cogswell College, LLC, Brad
2 Palmer, and Palm Ventures, LLC (collectively, “Defendants”) submit the following stipulation
3 and joint request for continuance of the Further Settlement Conference currently set for December
4 6, 2023 and all related deadlines until Thursday, March 14, 2024 to permit the Parties to engage
5 in additional case discovery and to accommodate the transition of new counsel of record for
6 Defendants Cogswell College, LLC and Brad Palmer, as follows:

7 **WHEREAS**, on February 14, 2023, Plaintiff filed his Complaint for unpaid compensation,
8 breach of contract, and fraud in the Santa Clara Superior Court;

9 **WHEREAS**, on March 31, 2023, Defendants removed this case to the U.S. District Court
10 for the Northern District of California;

11 **WHEREAS**, on May 25, 2023, the Parties agreed to engage in early mediation of the
12 asserted claims, and submitted a Joint Stipulation requesting that the Court issue an order
13 compelling the Parties to attend a Settlement Conference with Magistrate Judge Joseph C. Spero;

14 **WHEREAS**, on May 26, 2023, the Court issued an Order referring this matter to
15 Magistrate Judge Joseph Spero for Settlement Conference, which the Clerk subsequently noticed
16 for August 9, 2023.

17 **WHEREAS**, following submission of their respective briefs, the Parties participated in the
18 August 9, 2023 Settlement Conference before Magistrate Judge Spero, and the case did not settle
19 at that time due, in part, to the Parties’ need for additional case discovery;

20 **WHEREAS**, on August 10, 2023, Magistrate Judge Spero ordered a Further Settlement
21 Conference for December 6, 2023 at 10:30 a.m., with updated Settlement Conference Statements
22 and lists of names and e-mail addresses for those participating in the Further Settlement
23 Conference to be submitted by the Parties on November 29, 2023;

24 **WHEREAS**, Defendants Cogswell College, LLC and Brad Palmer wish to substitute their
25 counsel of record, and attorneys from Jackson Lewis P.C. are currently in the process of finalizing
26 their joint representation of such Defendants and intend to submit a Notice of Withdrawal and
27 Substitution of Counsel in the near future; and

28 ///

WHEREAS, the Parties’ counsel have met and conferred regarding case discovery issues and the appropriate timing for a Further Settlement Conference before Magistrate Judge Spero, particularly in light of the imminent substitution of new counsel of record for Defendants Cogswell College, LLC and Brad Palmer in this matter;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties hereto, through their respective attorneys of record, as follows:

1. The current December 6, 2023 Further Settlement Conference before Magistrate Judge Joseph C. Spero should be continued until Thursday, March 14, 2024 at 10:00 a.m. (Pacific), to permit appropriate case discovery and the transition of Defendants’ new counsel of record; and
2. The current November 29, 2023 deadline for the Parties to submit updated Settlement Conference Statements and their respective lists of names and e-mail addresses for those participating in the Further Settlement Conference also should be continued until Thursday, March 7, 2023 to comport with the rescheduled Further Settlement Conference.

IT IS SO STIPULATED.

Dated: November 13, 2023

EDLESON, REZZO & HINDMAN

/s/ Louis “Chip” Edleson

By: _____

LOUIS “CHIP” EDLESON

Attorneys for Plaintiff

CHARLES RESTIVO

Dated: November 13, 2023

GREENBERG TRAURIG, LLC

/s/ Charles O. Thompson

By: _____

CHARLES O. THOMPSON

ERIK CHRISTENSEN

Attorneys for Defendants

COGSWELL COLLEGE, LLC, BRAD

PALMER, and PALM VENTURES, LLC

SIGNATURE CERTIFICATION

Pursuant to Local Rule Section 5.1 (i)(3), I hereby certify that the content of this document is acceptable to Charles O. Thompson, counsel for Defendants Cogswell College, LLC, Brad Palmer and Palm Ventures, LLC and I have obtained Mr. Thompson's authorization to affix his electronic signature to this document.

Dated: November 13, 2023

/s/ Louis "Chip" Edleson
Louis "Chip" Edleson

[PROPOSED] ORDER

After considering the Parties' Joint Stipulation, and for good cause appearing, the Court hereby orders as follows:

1. The Further Settlement Conference currently scheduled for December 6, 2023 is hereby continued and rescheduled to occur via Zoom on Thursday, March 14, 2024 at 10:00 a.m. (Pacific), **Zoom Meeting ID: 161 664 4640. Passcode: 841312**; and
2. The Parties shall submit updated Settlement Conference Statements and their respective lists of names and e-mail addresses for those participating in the Further Settlement via e-mail to JCSSettlement@cand.uscourts.gov by no later than Thursday, March 7, 2024.

IT IS SO ORDERED.

Dated: November 14, 2023.

By: 

U.S. MAGISTRATE JUDGE JOSEPH C. SPERO